

APPEAL NO. 030364
FILED MARCH 17, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 23, 2003. On the sole issue, the hearing officer determined that the appellant/cross-respondent (claimant) had disability from August 6, 2002, through September 24, 2002, but not from September 25, 2002, through October 2, 2002. The claimant appeals the disability determination for the period of September 25, 2002, through October 2, 2002, on sufficiency of the evidence grounds. The respondent/cross-appellant (carrier) urges affirmance of the appealed determination but cross-appeals the disability determination for the period of August 6, 2002, through September 24, 2002. The claimant urges affirmance of the cross-appealed determination.

DECISION

Affirmed.

The hearing officer did not err in making the complained-of determinations. The determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN PROTECTION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE
800 BRAZOS STREET, SUITE 330
AUSTIN, TEXAS 78701.**

Edward Vilano
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Roy L. Warren
Appeals Judge